

Changes to Markham's Election Sign By-law

General Committee

February 5, 2018

(Revised for February 13, 2018 Council meeting)

Background

- Markham's election signs are currently regulated by Sign By-law No. 2002-94 - last amended in 2010.
- The Municipal Elections Act has undergone a number of legislative changes that require the City to amend the current By-law.
- Several issues raised by the public & candidates in 2014 Municipal Election that warranted further review of the City's election sign regulations.

Election Sign Practices

As a result of a comprehensive review of Markham's election sign practices, issues with current election sign regulations were identified, summarized as follows:

1. General lack of understanding/confusion of election sign restrictions resulting in significant non-compliance by candidates; &
2. Public complaints regarding the proliferation of election signs; &
3. Lack of staff resources necessary to effectively enforce the By-law & administer the election sign deposit program.

Draft Election Sign By-law

The new By-law addresses these issues as follows:

1. Consolidating election sign regulations & definitions from By-laws 2002-94 & 2010-57 into one clearly articulated stand-alone Election Sign By-law.
2. Ensuring consistency with other York Region Sign By-laws where possible.
3. Implementing a non-refundable election sign fee to help offset the cost of administering the City's election sign enforcement program.
4. Expanding the definition of election signs to include third party advertisement & third party election signage.
5. Clearly defining election sign restrictions on public & private properties.
6. Clarifying the Clerk's authority to make regulations with respect to the removal & return of election signs (previous By-law was silent).

Restrictions on the Placement of Election Signs

Restrictions on the placement of election signs within the City exist for a number of reasons including:

- So not to interfere with the safe movement & visibility of vehicular & pedestrian traffic;
- Ensure election signs be placed in accordance with certain Provincial & Federal legislative requirements; &
- Ensure election signs are placed in a manner that is consistent with the positive aesthetic appeal of the City.

Markham prohibits the placement of election signs on public property with the exception of:

- A municipal boulevard abutting a residential lot, where the property owner of the residential lot has consented to the placement of the sign; or,
- On a road allowance at a designated intersection.

Restrictions on the Placement of Election Signs (Cont'd)

- Currently, 4 election signs are permitted at designated intersections.
- To strike a balance between sign pollution & promotion of the Municipal Election, staff recommend reducing the number of signs permitted at designated intersections to 2.
 - This will help reduce the number of total signs at designated intersections & therefore improve visibility for vehicular & pedestrian traffic.
 - Limiting the number of signs at intersections will reduce the visual distraction for the businesses & homes that occupy the adjacent properties.
- Approach is consistent with the Region of York's Sign By-law 2015-36

Fees & Enforcement

- The non-refundable fee to place election signs in Markham will remain at \$250 & will help offset the cost of administering & enforcing the Election Sign By-law program.
- This fee will be charged in addition to York Region's \$250 sign permit fee, both of which are collected & retained by the City.
- A \$25.00 fee per non-compliant election sign will be charged to the Candidate.
- Signs found to be placed in violation of the By-law will be removed by City Staff and not returned to candidates.

Program Administration

- Photographs will be taken of all non-compliant election signs prior to their removal by Enforcement Staff.
- Candidates will be provided with weekly statements identifying the number of signs removed and total fine amount owing.
- Any disputes regarding the statements will first be heard by the Manager of By-law Enforcement and a final resolution will be provided by the City Clerk. These decisions will not be subject to appeal.
- Any outstanding, unpaid fines to be placed on the municipal tax roll or sent to collections as per the City's established practices.

Recommendations

1. That the report entitled “Changes to Markham’s Election Sign By-law Regulations ” be received; &
2. That the draft “Election Sign By-law” appended to this report as Attachment “A” be adopted; &
3. That Staff be authorized & directed to do all things necessary to give effect to this resolution.